



## Senate

General Assembly

**File No. 459**

*January Session, 2003*

Substitute Senate Bill No. 1107

*Senate, April 22, 2003*

The Committee on Public Health reported through SEN. MURPHY of the 16th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING THE PRACTICE OF PHYSICAL THERAPY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-66 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 As used in this chapter:

4 (1) "Physical therapist" means a person licensed to practice physical  
5 therapy in Connecticut as defined in subdivision (2) of this section;

6 (2) "Physical therapy" means the evaluation and treatment of any  
7 person by the employment of the effective properties of physical  
8 measures, the performance of tests and measurements as an aid to  
9 evaluation of function and the use of therapeutic exercises and  
10 rehabilitative procedures, with or without assistive devices, for the  
11 purpose of preventing, correcting or alleviating a physical or mental  
12 disability. Physical therapy includes the establishment and  
13 modification of physical therapy programs, treatment planning,

14 instruction, wellness care, peer review and consultative services. The  
15 term "physical therapy" does not include the use of cauterization or the  
16 use of Roentgen rays or radium for diagnostic or therapeutic purposes;  
17 [and]

18 (3) "Physical therapist assistant" means (A) a graduate of a physical  
19 therapist assistant program approved by the State Board of Examiners  
20 for Physical Therapists, with the consent of the Commissioner of  
21 Public Health, (B) a graduate of a United States physical therapy  
22 school approved by the State Board of Examiners for Physical  
23 Therapists, or (C) a person who has completed twenty years of  
24 employment as a physical therapist assistant prior to October 1, 1989;  
25 and

26 (4) "Wellness care" means services related to conditioning, strength  
27 training, fitness, workplace ergonomics or injury prevention.

28 Sec. 2. Section 20-66 of the general statutes, as amended by section  
29 12 of public act 00-226, is repealed and the following is substituted in  
30 lieu thereof (*Effective the later of October 1, 2003, or the date notice is*  
31 *published by the Commissioner of Public Health in the Connecticut Law*  
32 *Journal indicating that the licensing of athletic trainers and physical therapist*  
33 *assistants is being implemented by the commissioner*):

34 As used in this chapter, unless the context otherwise requires:

35 (1) "Physical therapist" means a person licensed to practice physical  
36 therapy in this state;

37 (2) "Physical therapy" means the evaluation and treatment of any  
38 person by the employment of the effective properties of physical  
39 measures, the performance of tests and measurements as an aid to  
40 evaluation of function and the use of therapeutic exercises and  
41 rehabilitative procedures, with or without assistive devices, for the  
42 purpose of preventing, correcting or alleviating a physical or mental  
43 disability. "Physical therapy" includes the establishment and  
44 modification of physical therapy programs, treatment planning,

45 instruction, wellness care, peer review and consultative services, but  
46 does not include the use of cauterization or the use of Roentgen rays or  
47 radium for diagnostic or therapeutic purposes;

48 (3) "Physical therapist assistant" means a person licensed to assist in  
49 the practice of physical therapy in this state under the supervision of a  
50 physical therapist. For purposes of this subdivision and subdivision (2)  
51 of subsection (a) of section 20-73, as amended by this act, "supervision"  
52 means the overseeing of or the participation in the work of a physical  
53 therapist assistant by a licensed physical therapist, including, but not  
54 limited to: (A) Continuous availability of direct communication  
55 between the physical therapist assistant and a licensed physical  
56 therapist; (B) availability of a licensed physical therapist on a regularly  
57 scheduled basis to (i) review the practice of the physical therapist  
58 assistant, and (ii) support the physical therapist assistant in the  
59 performance of the physical therapist assistant's services; and (C) a  
60 predetermined plan for emergency situations, including the  
61 designation of an alternate licensed physical therapist in the absence of  
62 the regular licensed physical therapist; [and]

63 (4) "Assist in the practice of physical therapy" means the treatment  
64 of any person by the employment of the effective properties of  
65 physical measures and the use of therapeutic exercises and  
66 rehabilitative procedures, with or without assistive devices, for the  
67 purpose of preventing, correcting or alleviating a physical or mental  
68 disability, but does not include the interpretation of referrals, initial or  
69 discharge evaluation or assessment, or determination or modification  
70 of treatment or discharge plans; and

71 (5) "Wellness care" means services related to conditioning, strength  
72 training, fitness, workplace ergonomics or injury prevention.

73 Sec. 3. Section 20-73 of the general statutes is repealed and the  
74 following is substituted in lieu thereof (*Effective October 1, 2003*):

75 (a) (1) No person may practice as a physical therapist unless  
76 licensed pursuant to this chapter. No person may use the term

77 "Registered Physical Therapist", "Licensed Physical Therapist" or  
78 "Physical Therapist" or the letters "R.P.T.", "L.P.T." or any other letters,  
79 words or insignia indicating or implying licensure as a physical  
80 therapist in this state unless the person is so licensed.

81 (2) The treatment of human ailments by physical therapy shall only  
82 be performed by a person licensed under the provisions of this chapter  
83 as a physical therapist upon the oral or written referral of a person  
84 licensed in this state or in a bordering state having licensing  
85 requirements meeting the approval of the appropriate examining  
86 board in this state to practice medicine and surgery, podiatry,  
87 natureopathy, chiropractic or dentistry, or an advanced practice  
88 registered nurse licensed to prescribe in accordance with section 20-94a  
89 or a physician assistant licensed to prescribe in accordance with section  
90 20-12d. Nothing in this section shall prevent a physical therapist from  
91 providing wellness care within the scope of physical therapy practice  
92 to asymptomatic persons without a referral.

93 (3) Any person who violates the provisions of this section or who  
94 obtains or attempts to obtain licensure as a physical therapist by any  
95 wilful misrepresentation or any fraudulent representation shall be  
96 fined not more than five hundred dollars or imprisoned not more than  
97 five years, or both. A physical therapist or dentist who violates the  
98 provisions of this section shall be subject to licensure revocation in the  
99 same manner as is provided under section 19a-17, or in the case of a  
100 healing arts practitioner, section 20-45. For purposes of this section  
101 each instance of patient contact or consultation in violation of any  
102 provision of this section shall constitute a separate offense. Failure to  
103 renew a license in a timely manner shall not constitute a violation for  
104 the purposes of this section.

105 (b) Each physical [therapy] therapist assistant who is assisting in the  
106 practice of physical therapy under the supervision of a licensed  
107 physical therapist, as defined in section 20-66, as amended by this act,  
108 shall, upon payment of an application fee of twenty-five dollars,  
109 register with the Department of Public Health on a form furnished by

110 the department, giving [his] the physical therapist assistant's name in  
111 full, [his] the physical therapist assistant's residence and business  
112 addresses and such other information as the department requests.  
113 Each physical [therapy] therapist assistant shall notify the department  
114 in writing [within] no later than thirty days after the date of any  
115 change in [his] such name or residence or business addresses. A  
116 physical [therapy] therapist assistant shall not practice physical  
117 therapy assisting without registering with the department pursuant to  
118 this section. The commissioner may, upon receipt of notification and  
119 investigation, assess a civil penalty of not more than one hundred  
120 dollars against any physical [therapy] therapist assistant who has  
121 practiced physical therapy assisting without first registering with  
122 [said] the department.

123       Sec. 4. Section 20-73 of the general statutes, as amended by section  
124 15 of public act 00-226, is repealed and the following is substituted in  
125 lieu thereof (*Effective the later of October 1, 2003, or the date notice is*  
126 *published by the Commissioner of Public Health in the Connecticut Law*  
127 *Journal indicating that the licensing of athletic trainers and physical therapist*  
128 *assistants is being implemented by the commissioner*):

129       (a) (1) No person may practice as a physical therapist unless  
130 licensed pursuant to this chapter. No person may use the term  
131 "Registered Physical Therapist", "Licensed Physical Therapist" or  
132 "Physical Therapist" or the letters "R.P.T.", "L.P.T." or any other letters,  
133 words or insignia indicating or implying licensure as a physical  
134 therapist in this state unless the person is so licensed.

135       (2) No person may practice as a physical therapist assistant unless  
136 such person is licensed pursuant to this chapter and is under the  
137 supervision of a physical therapist licensed pursuant to this chapter.  
138 No person may use the term "Registered Physical Therapist Assistant",  
139 "Licensed Physical Therapist Assistant" or "Physical Therapist  
140 Assistant", or the letters "P.T.A." to represent or imply the term  
141 "Physical Therapist Assistant", or any other letters, words or insignia  
142 indicating or implying licensure as a physical therapist assistant in this

143 state unless the person is so licensed.

144 (b) The treatment of human ailments by physical therapy shall only  
 145 be performed by a person licensed under the provisions of this chapter  
 146 as a physical therapist or physical therapist assistant upon the oral or  
 147 written referral of a person licensed in this state, or in a bordering state  
 148 having licensing requirements meeting the approval of the appropriate  
 149 examining board in this state, to practice medicine and surgery,  
 150 podiatry, natureopathy, chiropractic or dentistry, or an advanced  
 151 practice registered nurse licensed to prescribe in accordance with  
 152 section 20-94a or a physician assistant licensed to prescribe in  
 153 accordance with section 20-12d. Nothing in this section shall prevent a  
 154 physical therapist from providing wellness care within the scope of  
 155 physical therapy practice to asymptomatic persons without a referral.

156 (c) Any person who violates the provisions of this section or who  
 157 obtains or attempts to obtain licensure as a physical therapist or  
 158 physical therapist assistant by any wilful misrepresentation or any  
 159 fraudulent representation shall be fined not more than five hundred  
 160 dollars or imprisoned not more than five years, or both. A physical  
 161 therapist, physical therapist assistant or dentist who violates the  
 162 provisions of this section shall be subject to licensure revocation in the  
 163 same manner as is provided under section 19a-17, or in the case of a  
 164 healing arts practitioner, section 20-45. For purposes of this section  
 165 each instance of patient contact or consultation in violation of any  
 166 provision of this section shall constitute a separate offense. Failure to  
 167 renew a license in a timely manner shall not constitute a violation for  
 168 the purposes of this section.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>the later of October 1, 2003, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>
Sec. 3	<i>October 1, 2003</i>

Sec. 4	<i>the later of October 1, 2003, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>
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**PH**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

While the bill permits physical therapists to provide wellness care without physician referral, state employee health plans explicitly require either pre-authorization or a referral for physical therapy. Therefore, no fiscal impact to the state as an employer will result from passage of this bill. It is similarly assumed that the majority of municipal employee health plans currently explicitly require physician referral and/or prior authorization of these services, or would seek to impose these restrictions upon passage of this bill. Therefore, it is anticipated that no appreciable municipal cost will result from its passage.

Provisions in this bill will not materially alter the regulatory responsibilities of the Department of Public Health, and will result in no fiscal impact for the agency.



**OLR Bill Analysis**

sSB 1107

**AN ACT CONCERNING THE PRACTICE OF PHYSICAL THERAPY****SUMMARY:**

This bill adds “wellness care” to physical therapists’ scope of practice and allows them and their assistants to provide such care to anyone without symptoms of illness or injury with or without a referral from a physician, podiatrist, natureopath, chiropractor, dentist, advanced practice nurse, or physician assistant. The bill defines wellness care as services related to conditioning and fitness, strength training, workplace ergonomics, or injury prevention. Under current law, physical therapists and their assistants can only treat a patient referred by one of these licensed providers.

EFFECTIVE DATE: October 1, 2003, with the sections that apply to licensed physical therapist assistants taking effect on the date the public health commissioner publishes notice in the *Connecticut Law Journal* of his intent to implement their licensure and the licensure of athletic trainers, as authorized by PA 00-226.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 17      Nay 4